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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/639,912
Filing Date: August 16, 2000
Appellant(s): BENGEULT ET AL.

MARK D. ELCHUK
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/16/09 appealing from the Office action mailed 01/28/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,463,656	POLIVKA ET AL.	10-1995
5,761,602	WAGNER ET AL.	6-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

A1. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Polivka et al (5,463,656)** in view **Wagner et al (5,761,602)**.

As to claim 1, **Polivka** discloses in figures 1-5, System for conducting video communications over satellite communication link with aircraft having physical compact, effectively conformal, phased array antenna and further disclose a system for providing data content to plurality of mobile platforms (Aircraft(s) 'A' 12) via at least one satellite (S-23) having at least one radio frequency transponder, and for transmitting data content from the mobile platforms via the RF transponder to a ground-based control center (TVRO System or CATV 11), comprising:

An independent mobile system (Antennas 'A' 35) associated with each of the Aircraft 180 and carried by Aircraft 12 (figs.1-5, col.1, lines 53-65, col.3, line 36-col.4, line 13, col.5, lines 40-65 and col.11, line 25-col.12, line 42);

A ground-based antenna system (16) associated with the ground-based content center (TVRO System or CATV 11) for transmitting encoded RF signals representative of the data content via designated RF transponder (Satellite S-23), with a plurality of transponders, where S-23 orbit over a desired geographical coverage area within Aircraft 12 (col.5, line 9-col.6, line 26 and col.7, line 50-col.8, line 28);

Each of the mobile system (A-12) comprising:

A steerable transmit antenna (Ant-35) and steerable receive Antenna control system, which receives/transmits video and data signals and tracks satellites (col.5, line 9-col.6, line 26 and col.7, line 50-col.8, line 28);

A communications subsystem or system and a data content management system in communication with for generating baseband video signals and data signals, representative of live television programming and Internet data decoding and demodulating the encoded RF signals received, and for producing encoded signals from the data transmissions input by each of a plurality of occupants for filtering of portions or subset of the data content not addressed to occupants (TV Monitors, Personal Computers, Phones, etc..) on the mobile system (fig.4, col.5, line 9-col.6, line 26 and col.7, line 50-col.8, line 28, col.9, line 24-col.10, line 60 and col.11, line 25-col.12, line 42);

A network (fig.4), local area network 'LAN' and distribution system for distributing the baseband video signals and the data signals output from the data management system to occupants, the network including a plurality of access stations which includes personal computing devices for Internet data services, where the individual passengers receive only specific subportions or portions of the baseband video signals and the data signals, television program and Internet data, relating to previous information selections made by passenger (col.5, line 9-col.6, line 26 and col.7, line 50-col.8, line 28, col.9, line 24-col.10, line 60 and col.11, line 25-col.12, line 42); and

The independent mobile system also operating to transmit the signals input by each of the occupants from each of the access stations, via the RF transponder, to the

ground-based antenna system (col.5, line 9-col.6, line 26 and col.7, line 50-col.8, line 28, col.9, line 24-col.10, line 60 and col.11, line 25-col.12, line 42).

Polivka teaches communicating video/data information (video, teleconference, etc., data) to one or more video monitors throughout the aircraft for viewing by passenger, but silent to Internet data.

However, note the Wagner reference figures 1-3, discloses hybrid multi-channel data transmission system utilizing a broadcast medium to broadcast Internet data via satellite to remote clients (col.3, line 28-col.4, line 27, line 42-col.5, line 25 and col.7, line 65-col.8, line 45).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Wagner to the system of Polivka to broadcast specific Internet data via satellite to remote clients within a specific geographical area, including clients on-board an aircraft.

As to claim 6, the claimed "A system for providing real time video signals to a mobile receiving..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claim 7, Polivka further discloses, includes a plurality of integrated receiver/decoders for decoding, demodulating and digital-to-analog converting received RF signals into baseband video signals (col.7, line 50-col.8, line 28, col.9, line 24-col.10, line 48).

As to claim 8, Polivka further discloses where the data content management system comprising Media Server and File server (col.7, line 50-col.8, line 28, col.9, line 24-col.10, line 48).

Claims 9 and 10 are met as previously discussed with respect to claim 1.

As to claim 12, Polivka further discloses where operates to transmit encoded data signals to Transponder of Satellites 23, which is associated with each Aircraft demodulates and D/A convert the RF signals to produces baseband data signals (col.7, line 50-col.8, line 28, col.9, line 24-col.10, line 48).

As to claim 13, the claimed "system for supplying a plurality of channels of data content to a plurality of mobile platforms..." is composed of the same structural element of rejected claim 1.

Claim 14 is met as previously discussed with respect to claim 7.

Claim 15 is met as previously discussed with respect to claim 8.

Claim 16 is met as previously discussed with respect to claim 1.

Claim 17 is met as previously discussed with respect to claim 1.

As to claim 18, the claimed "system for enabling individual occupants on board a moving platform to transmit and receive data content in real time from a ground based data source..." is composed of the same structural element of rejected claim 1.

Claim 19 is met as previously discussed with respect to claim 5.

Claim 20 is met as previously discussed with respect to claim 1.

As to claim 21, the claimed "system for facilitating bi-directional communication between a ground-based control center and a plurality of mobile platforms..." contains the same structural element of rejected claim 1.

As to claim 22, Polivka further discloses where the steerable receive antenna comprising an electronically steerable, phased array antenna (col.5, line 40-65, col.7, line 50-col.8, line 28, col.9, line 24-col.10, line 48 and col.11, line 36-col.12, line 31).

As to claim 23, the claimed "a method of transmitting data content between mobile receiving platform and a ground-based control segment, comprising..." is composed of the same structural element of rejected claim 1.

(10) Response to Argument

The examiner respectfully disagrees that the rejection should be reversed. Appellant discusses the claimed invention and the prior arts of record and argues that (see page 14 of 36+ of Appellant's Brief) "...There is absolutely no discussion of providing an on-board network that has the ability...specific portions of data, video or Internet content being received by the on-board mobile system is to be used for distribution to its occupants..." that "...no teaching or suggestion as to the presently claimed distribution system (or server)..." that "...Polivka et al. simply does not disclose, suggest, enabling different passengers to receive only a specific, requested portion of information content that is being received by the mobile platform." that "...the combined teachings of Polivka et al. and Wagner et al. do not render the presently pending claims

obvious..." that "...the Examiner Has Not Made A Prima Facie Case of Obviousness" that "No Motivation To Combine References," etc. (see 12 of 36+, of Appellant's Brief).

In response, Examiner disagrees with assertion for several reasons. Examiner notes applicant's argues, however, **Polivka**, the primary prior art of record, discloses a server (see **fig.3, 270/280/311/320/etc.**), "...a data content management system for filtering portions of data not addressed to occupants on the mobile platform..." Polivka's server system on-board the **aircraft receives video conference data, other data, other digital information, etc.**, "content" and filters out portions of the content and distributes portions of the content to passenger video terminals on-board the aircraft (col.5, lines 40-col.6, line 9, lines 47-65, col.7, lines 40-67, col.9, line 41-col.10, line 34 and col.11, lines 12-23). Polivka clearly illustrates in figure 1, a communications system where an Uplink 11/14, communicates video, data, teleconference to Aircraft 12 via Relay Satellite 23. Polivka further discloses that "The output of the antenna is...demodulated, decoded and decompressed for use on board the aircraft. Where the aircraft has an on board video source, such as a video teleconference system, the same basic communication techniques employed for ground-to-air video transmissions are employed for transmission of video from the aircraft..." (see col.3, lines 22-31) and further discloses that "In addition to video communications, the present invention can accommodate other signal formats, such as data from terminals, digital telephony, etc. Simultaneous compressed video and data can be transmitted via TDM, FDM, CDM or a combination..." (col.4, lines 14-18), that, "The aircraft 12 receives the satellite's downlink channel retransmission via a compact...(col.5, lines 40+), that "Uplink transmission

received at the aircraft from relay satellite 23, are processed through a data recovery receiver,...The demodulated video is then reconstructed for distribution to a variety of terminals and monitors on board the aircraft,...the aircraft may include both data and telephony transmissions....also video signaling in the case that teleconferencing capability is provided (col.5, line 67-col.6, line 9), that "...Demultiplexer 303 extracts the compressed video...the decoded video signal into signal its original full resolution digitized format...for application to one or more video monitors distributed throughout the aircraft for viewing by passengers. The output of video reconstruction unit 311 is coupled to one or more monitors for viewing...the system is employed to communicate other types of digital information,....303 may be coupled to other outputs devices, such as digital telephone handsets, data terminals (e.g. personal computers), and facsimile machines,...(col.9, line 61-col.10, line 34). Clearly Polivka discloses an on-board server system providing all these services (portions of receive content) to respective passengers on-board the aircraft. Polivka is silent as to Internet data. However, this deficiency is disclosed in Wagner reference figures 1-3, which discloses hybrid multi-channel data transmission system utilizing a broadcast medium to broadcast Internet data via satellite to remote clients (col.3, line 28-col.4, line 27, line 42-col.5, line 25 and col.7, line 65-col.8, line 45). Accordingly the combination of Polivka in view of Wagner is deemed proper, meets all the claims limitations and should be sustained.

As to Appellant's arguments that the references can not be combined, no motivation to combine and Examiner has not made a prima facie case of obviousness, Appellant is reminded that a reference can be relied upon for all that would have

reasonably suggested to one of ordinary skill in the art, including non-preferred embodiments and further that, disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or non-preferred embodiments, See MPEP 2123. Polivka discloses receiving content (video, data, teleconferencing data, etc.) where an on-board server, extracts the data, processes the data for distribution to various passengers monitors and other digital terminals and further communicates data from the various terminals to appropriate service provider via relay satellite 23. The only teaching absent from Polivka is Internet data, for which Wagner has been relied upon. Accordingly the combination of Polivka in view of Wagner is deemed proper, meets all the claims limitations and should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Annan Q Shang/

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